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REGULATIONS . . .

GOVERNING

THE EXECUTION OF LEASES OF
INDIAN ALLOTMENTS

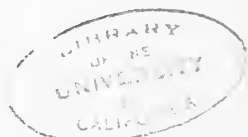
ON THE

UMATILLA RESERVATION
IN OREGON

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APPROVED BY THE SECRETARY OF THE INTERIOR

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REGULATIONS GOVERNING IN THE EXECUTION OF LEASES OF INDIAN ALLOTMENTS ON THE UMATILLA RESERVATION IN OREGON.

I. GENERAL POLICIES.

1. The mere leasing of lands of allottees for the highest price obtainable is not the prime purpose of the Government in maintaining a leasing system.

2. The highest object to be attained is the upbuilding of the Indian population by bringing among them good farmers, with their families, their civilized customs, and the object lessons of upright daily life.

3. To this must be added improvements made on the allotments, the benefit to the community at large by converting vast idle or waste areas into producing territory, and eventually the introduction of public schools and other civilizing agencies.

4. As a matter of good government, and to protect the rights of dependent allottees, it is an obligation on the part of the Government to see that the Indians get full market value for the use of their lands.

5. It is also an obligation to break up or repress all dishonest or fraudulent practices, so far as can be, keep the debt habit down to the minimum, and, in short, repress whatever would operate against the upbuilding of the allottees or lead them into corrupt or dishonest practices.

6. It is the purpose to bring about such degree of stability in all matters affecting leasing that men with sufficient means and of good character will find life among the Indians reasonably agreeable, and that permanency of tenure will result.

II. REGISTER OF LESSEES.

1. A register of acceptable lessees will be maintained at the agency office, showing who will be permitted to lease Indian lands and the amount permitted each under the schedule appearing later.

2. This register should include all present lessees in good standing, and to be added to later by the names of such applicants as may seek such privilege and who shall be found acceptable. A preference right of present tenants (holders of expiring leases) will be recognized to the extent set forth in the rules governing leasing and no further.

3. Only men of good moral standing, of approved business integrity, and with adequate financial backing to insure their ability to carry out their undertakings will be acceptable. Habitual drunkards or gamblers will not be given registration.

4. Only actual farmers, who will personally conduct the operations under their contracts, will be regarded as eligible. Minors and married women will not be registered.

5. Widows with minor sons old enough to do actual farming and who are now leasing satisfactorily, or who may be left widows during the lifetime of leases made to their husbands, may continue on the same terms as men.

6. As a condition to the registration of lessees now on the reservation each such lessee will be required to furnish the superintendent with a list of all informal leases of lands belonging to Indians, which informal leases must be included in the total amount allowed the lessee. This need not include lands which have passed from Indian ownership.

7. While the wishes of the Indians will be considered to some extent, the Government, acting through the superintendent in charge, reserves the sole right to determine who is entitled to registration.

8. The registration of any lessee shall be canceled in case he fails to enter into contract on any bid awarded him or provide surety therefor, or forfeits through nonpayment of rents, abandonment, etc. It may be canceled for conduct incompatible with reservation life, continuous discord, poor farming, etc. The superintendent shall hear and determine complaints in all such cases, but appeal may be taken to the Indian Office.

9. Indians farming for themselves may lease lands of other Indians on the same terms as white lessees.

III. ACREAGE ALLOWANCE.

1. A married man with family, which family actually resides on the lands under lease the entire year, shall be limited to 800 acres under lease. To encourage lessees of this class, provision is made under rules governing leasing for four-year leases, if the lease contract shall include buildings of good character.

2. A married man with family, who may live on deeded land on the reservation, shall be limited to 640 acres.

3. A married man, whose family actually resides on the reservation during the active work season only, shall be limited to 640 acres.

4. A married man, not living on the reservation but on the immediate border, near enough to permit of farming reservation lands with convenience, shall be limited to 320 acres.

5. Single men are not to be regarded as eligible lessees, but in case a single man has a home on the reservation (as in case his father is a lessee) he may lease for himself not to exceed 320 acres.

6. The major portion of the land operated by each lessee should be near enough his actual place of residence to permit its being worked therefrom. The use of temporary headquarters or "cook cars" will be permitted only to enable lessees to complete the amount allowed them in case the full allowance can not be secured otherwise.

7. In event any allotment proposed for lease should include waste lands unfit for cultivation, but useful for pasture, it should be included in the lease, but shall not be counted against the acreage allowance.

8. Nothing in the foregoing shall be construed to mean that the Government is in any way obligated to see that lessees get the full amount of land allowed under this schedule.

IV. RULES COVERING LEASING.

1. Leases shall be written to begin October 1, and run, ordinarily, two years.

2. About May 1 of each year all leases expiring September 30 next shall be listed in the agency office, each tract on a sheet to itself. This sheet shall bear the name of the allottee, name of present lessee,

description of the land, and a brief of the requirements, improvements to be made, stipulations as to straw, pasturage, etc., or any privilege retained by the allottee. These lists shall at all times be open to inspection of the public.

3. In case the present lessee desires to lease the land another term he shall, not later than May 20 following, submit in writing his proposition, stating the rental he will give, improvements to be made, etc. If he fails to submit a bona fide bid by such date he loses his preference right, and will not be permitted to take the land another term at the highest bid offered. All such bids should be immediately posted on the sheet where such land is listed, and the sheet left up for inspection.

4. Any other person desiring to lease such tract may submit in writing his bid, not later than June 1, in similar manner as above, but no such bid will be considered unless that of the present lessee is raised at least 10 per cent in rate or amount, the rental valuation to include improvements in ascertaining the rate of amount.

5. On June 1 all receiving of bids will close, and the present lessee will then be required to raise his bid to equal the highest bid made on any tract bid on by him or lose his preference right thereto.

6. The acceptance of the bids by the allottees will be taken by the superintendent, and if rejected the bidder will be notified at once.

7. If any allottee objects to his tenant these objections should be made to the superintendent before the lands are listed, the case heard and determined, and the lessee notified of the finding before bids are called for. Reasonable objections by the allottee will work a forfeiture of preference right, especially where the allottee and lessee reside on the same lands, and discord prevails. This need not blacklist the lessee as to lands of other allottees, unless his conduct should be such as to cause his registration to be canceled.

8. Under the manner of farming in this locality—the summer-fallow plan—it may occur that change of tenants will result where plowing or other farm work may have been done in preparation of the next crop. If this work has been done in conformity with well-established custom, the new tenant will be required to pay the outgoing tenant for such work at the established rate for relinquishments, transfers, etc., and refusal to do so will work a forfeiture of his bid.

9. The custom somewhat prevailing in the past that where land changes tenants the incoming tenant is expected to take over the teams, implements, etc., of the outgoing tenant, is hereby disclaimed, and the Government will take no cognizance thereof.

10. It is the purpose of the Government to secure as many improvements of a permanent character on the allotments through the system of leasing as possible. Lessees will be expected to cooperate to such end, and in case buildings of expensive character are incorporated in the lease, such lease may be written for double period—four years.

11. That feature of the foregoing rules relative to bidding on lands to be leased will not go into effect until the spring of 1910.

V. TRANSFERS, RELINQUISHMENTS, FORFEITURES, ETC.

1. Past experience has demonstrated a tendency to speculate in leases through transfers to other parties, relinquishments, etc. As this has been allowed to carry a preference right, to some extent, it

has enabled lessees to sell their work or growing crops for more than the purchaser could reasonably expect to realize from the first crop. This means the lessee selling a preference right on the reservation.

2. A schedule of prices covering work done by lessees, such as plowing, cultivating, seeding, etc., will be kept in the office as a basis of adjustment in case a lessee, for any reason, gives up his lease before its expiration. It will be the intention to so adjust this schedule as to do justice to the lessee giving up his lease, but not to permit speculation.

3. Any lessee desiring to give up his lease before its expiration will be required to accept settlement for work done under the foregoing schedule. The allottee will have the first right to take it over under the schedule, but in case he fails to do so it will be offered as are other lands to be leased, the successful bidder to pay the former lessee the amount allowed under the schedule for work done.

4. Similar procedure will govern in case a lessee forfeits through nonpayments, or abandons his lease, the rights of the bondsmen being fully protected. In case it should be necessary for the bondsmen to proceed with the lease to protect themselves, no preference right will be secured thereby in the matter of future leasing of such tracts.

VI. DEALINGS WITH INDIANS.

1. To prevent discord, abuse of privileges, etc., the Government must exercise the right to supervise all business transactions between the lessees and Indians.

2. Lessees shall be permitted to transact business with the Indians in general, for cash or its equivalent, and on a fair and honest basis, and to extend or accept acts of kindness in a neighborly way, but are prohibited incurring indebtedness from Indians to them. They are also prohibited paying any portions of the rentals to the Indians direct, or incurring indebtedness against such. Continued violation hereof will be considered sufficient to cancel the registration of the offender.

3. Lessees may perform work for Indians, including building work, plowing, seeding, harvesting grain, etc., but no right to a portion of the crop shall be incurred thereby. To prevent abuse or criticism it will be the duty of any lessee to secure approval of the superintendent before beginning any such undertaking.

4. The approval of the superintendent should likewise be secured before closing deals in matters of any such value, such as sales of horses, outfits, etc.

5. The old custom of getting allottees in debt to secure advantage in leasing his lands is absolutely forbidden, and violation hereof will cause all bids of the offender to be rejected and his registration canceled.

6. It is recognized that in case of the old or the sick, lessees are often importuned excessively to extend credit, furnish supplies, etc. Nothing in the above shall be construed to prohibit acts of kindness or the relief of the sick, but no advantage is to be secured in leasing thereby, nor is the Government to be held for any such indebtedness. In case of relief through exigency nothing herein shall prevent claims being submitted to the superintendent for adjustment.

7. So far as can be the Government will try to keep a competent interpreter at the office for the free use of all whites and Indians

doing business there. The use of other interpreters will not be prohibited, but if lessees employ interpreters to assist them they will be required to limit the pay to ordinary rates and for time employed only. The payment of commissions by lessees to anyone for the purpose of securing leases will subject such lessee to cancellation of his registration if the offense seems to demand such.

Respectfully submitted to the Secretary of the Interior recommending approval.

R. G. VALENTINE,

Commissioner of Indian Affairs.

WASHINGTON, D. C., *September 4, 1909.*

Approved as recommended.

FRANK PIERCE,

First Assistant Secretary of the Interior.

SEPTEMBER 15, 1909.

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